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11 **pro hac vice*

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

16 JOHN D. HALTIGAN,

17 Plaintiff,

18 v.

19 MICHAEL V. DRAKE, in his official
20 capacity as President of the University of
California; CYNTHIA K. LARIVE, in her
21 official capacity as Chancellor of UC Santa
Cruz; BENJAMIN C. STORM, in his official
22 capacity as Chair of the UC Santa Cruz
Psychology Department; and KATHARYNE
23 MITCHELL, in her official capacity as Dean
of the UC Santa Cruz Division of Social
Sciences,

24 Defendants.

25 No. 5:23-cv-02437-EJD

26 **STIPULATION TO EXTEND TIME
TO RESPOND TO DEFENDANTS'
MOTION TO DISMISS FIRST
AMENDED COMPLAINT; AND
ORDER THEREON**

27 Judge: Hon. Edward J. Davila

28 Date: October 12, 2023

Time: 9:00 a.m.

Courtroom: 4

1 Plaintiff and Defendants, by and through counsel, stipulate as follows:

2 WHEREAS, Plaintiff filed his First Amended Complaint (“FAC”) on June 19,
3 2023;

4 WHEREAS, Plaintiff and Defendants stipulated pursuant to Local Rule 6-1 to
5 extend Defendants’ deadline to answer or otherwise respond to the FAC until August
6 7, 2023;

7 WHEREAS, Defendants filed a Motion to Dismiss on August 7, 2023 and that
8 motion is currently scheduled for a hearing on October 12, 2023;

9 WHEREAS, Plaintiff’s current deadline to respond to the Motion to Dismiss is
10 August 21, 2023;

11 WHEREAS, Defendants have agreed to extend Plaintiff’s time to respond to the
12 Motion to Dismiss to September 5, 2023;

13 WHEREAS, absent an extension, Defendants’ deadline to file a reply in support
14 of their Motion to Dismiss would be September 12, 2023;

15 WHEREAS, Plaintiff has agreed to extend Defendants’ time to file their reply
16 in support of the Motion to Dismiss to September 26, 2023;

17 WHEREAS, this stipulation will not alter the date of any event or deadline
18 already fixed by Court order;

19 NOW, THEREFORE, Plaintiff and Defendants, through their counsel,
20 stipulate as follows:

21 IT IS HEREBY STIPULATED that Plaintiff’s deadline to respond to
22 Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint is extended to
23 and includes September 5, 2023. It is further stipulated that Defendants’ deadline to
24 file their reply in support of Defendants’ Motion to Dismiss Plaintiff’s First Amended
25 Complaint is extended to and includes September 26, 2023.

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1 DATED: August 11, 2023.
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3 **PACIFIC LEGAL FOUNDATION**

4 */s/ Wilson C. Freeman*
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15 *Attorney for Defendants*

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FILERS ATTESTATION

I, Wilson C. Freeman, am the ECF user whose identification and password is being used to file this Stipulation and Proposed Order to Extend Time and Expedite Hearing. Pursuant to Civil Local Rule 5-1(h), I hereby attest that the above-named signatories concur in and authorize this filing.

By /s/ Wilson C. Freeman
WILSON C. FREEMAN*

*Attorney for Plaintiff
pro hac vice

CERTIFICATE OF SERVICE

2 I hereby certify that on August 11, 2023, Opposing Counsel received the
3 foregoing STIPULATION TO EXTEND TIME TO RESPOND TO DEFENDANTS'
4 MOTION TO DISMISS FIRST AMENDED COMPLAINT via CM/ECF service.

By /s/ Wilson C. Freeman
WILSON C. FREEMAN*

*Attorney for Plaintiff
pro hac vice

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2 ~~PROPOSED ORDER~~
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4 PURSUANT TO STIPULATION, IT IS ORDERED THAT:
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6 a. Plaintiff may have until and including September 5, 2023, to respond to
7 Defendants' Motion to Dismiss Plaintiff's First Amended Complaint.
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9 b. Defendants may have until and including September 26, 2023, to file their
10 reply in support of Defendants' Motion to Dismiss Plaintiff's First Amended
11 Complaint.
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13 c. The motion will be heard as currently scheduled, on October 12, 2023, at 9:00
14 a.m.
15

16 Dated August 14, 2023
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18 
19 THE HON. EDWARD J. DAVILA
20 United States District Judge
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